

# BEYOND TITLES: CURATING RELEVANT LAW LIBRARY COLLECTIONS

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How law is accessed has radically grown and changed over the last two-hundred years, but the idea of counting titles as a measure of quality in academic law libraries has not. The time is upon us to make thoughtful decisions about our law library collections and how we assess them.

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\* Author's note.

## INTRODUCTION

In my initial hiring conversations with the Dean of the University of Houston Law Center, he shared his vision of opening a new law building and we discussed the exciting challenge of designing a law library. Years later, in 2022, I stood with him as we opened the new O'Quinn Law Building. Between those two moments were years of the crushing realizations of bridging the enormous gap between the collection I inherited and the collection my institution needed. Those years contained victories and defeats, and, surprisingly, a lot of fear. As I looked through the square footage totals for the top one-hundred law schools and compared them to the architectural drawings of the new O'Quinn Law Building, I worried about what it would mean to have one of the smallest physical law libraries among those law schools.<sup>1</sup>

In those same years, I was involved in scholarly work about issues that engaged me: when to choose electronic formats, the status of the legal treatise, scholarship formats chosen for scholarly impact studies, and mission-based assessment. The convergence of this work crystallized for me that my library collection did not match the needs of my institution. Through careful planning and assessment, our library worked to examine our collection. In the end, we deselected over one-hundred thousand volumes, purchased thousands of new volumes, and realigned our sub-collections. As I stand in my new, smaller law library, I can say I am proud of every item in our collection. I know that each item is findable, useful, and helps fulfill the missions, needs, and priorities of my institution.

The convergence of my scholarship and the work on our collection also revealed a larger, systemic truth: hiding behind large volume counts is a looming risk to academic law librarianship. The misplaced belief that all academic law libraries should be large spaces filled with massive physical collections has created, over many years, a false vision of law libraries as oversized, expensive warehouses of idle materials rather than individualized, responsive hubs of innovation. Instead of valuing libraries based on how they meet their missions, this distorted view distills the quality of libraries to merely the size of their collections.

This basic misunderstanding of the purpose of law library collections is damaging to the profession because it often creates an obvious mismatch between the work that librarians do and how libraries look. This mismatch threatens the credibility of law librarians and the larger profession. Someone walking through stacks of dusty, irrelevant materials could believe collections require no stewardship, nor specialized knowledge and expertise needed to maintain it. These thoughts could lead one to conclude that print collections have little value in the

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<sup>1</sup> The U.S. News top 100 ranked law schools in 2021 list their libraries sizes ranging from 13,750 to 116,269 square feet, with an average of 53,254 square feet. The University of Houston Law Library is just over 20,000 square feet. U.S. News & World Rep., *Academic Insights, 2021 Leaderboard*, <https://ai.usnews.com/ai> (last visited Feb. 20, 2023) (on file with author).

modern legal education environment, and that similarly law librarians have little value.

This misunderstanding also endangers useful materials because their relevance is obscured by their irrelevant shelf-mates and their discovery is cluttered by the idle materials accompanying them in search results. This has the effect of hiding relevant items among these other materials and making the overall quality of our collections hard to determine.

The reason behind these collections that do not necessarily align with their institutional needs is complicated, but at its core, it is a story of fear. Fear of loss. Fear of being wrong. Fear of discarding something someone might need. Fear that discarding anything at all will be seen as error. Fear that if our library collections cannot emulate those at the large ivy league law schools from which most of our faculty hail, we cannot be perceived as being high quality. Fear that the worth of law librarians is in what we hold, not what we do.

Change is almost always a difficult thing, but many law librarians see change as loss. Budgets, physical space, and librarian staffing seem to endlessly decrease while law librarians are asked to produce more. Instead of being judged by their own stories of successes, law librarians have been held to the evaluation of external entities judging them by their collection size for over a hundred years.<sup>2</sup> This long legacy of external evaluation by non-librarians must give way to law librarians communicating the very real successes of their libraries.<sup>3</sup>

Law libraries are, and must be, different because our institutions are different. Although we of course share common characteristics, our needs and priorities fluctuate school to school, and even year to year. The programs we choose to pursue will sometimes require us to hold large physical collections because we have chosen to do so, based on our own funding, space, and needs. For instance, the University of Iowa Law Library's vision statement incorporates this language: "We pursue, support, share, and preserve law, legal information, and legal scholarship created each day for researchers in the present and into the future." Iowa has intentionally created a goal to hold and maintain a large physical collection not only for their own current use but for the broader community in perpetuity.<sup>4</sup>

But for many others, the failure to engage in deselection has not been an intentional choice. It has instead been rooted in fear of both loss and the work that

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<sup>2</sup> See, Tammy A. Hinderman, *What Is Your Library Worth? Changes in Evaluation Methods for Academic Law Libraries*, 24 LEGAL REFERENCE SERV. Q. 1, 8 (2005); see also Frank Schick, *The Century Gap of Law Library Statistics*, 61 LAW LIBR. J. 1, 1 (1968).

<sup>3</sup> For a deeper conversation about law library external evaluation, see Amanda Watson, et. al, *Demonstrating Law Library Value Through Mission-Centered Assessment*, forthcoming coming Law Library Journal, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4294285](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4294285).

<sup>4</sup> Interview with Carissa Vogel, Law Library Director & Professor of Instruction, University of Iowa Law Library (February 27, 2023) (email on file with the author).

is required to overcome the obstacles created by this deferred collection maintenance. The path to a highly relevant, findable collection is intellectually intensive. While most law libraries have done very intentional work in choosing what materials they buy, comparatively few have practiced the same intentionality in choosing what to retain.

Not only must a library's collection meet the needs of its institution, it also must be considerate of the larger law library community. Each law library, to some degree, is part of the larger organism of law libraries in the United States and the world. As law libraries depend on each other's collections, they create a collective that must be curated in the same way as individual collections. Individual law libraries will have different relationships to the collective law library community and must take holistic views of this work.

Engaging in this process is nothing short of a paradigm shift. There are two branches to this shift: the work, both mental and physical, of librarians; and the very difficult task of navigating the complicated feelings of stakeholders regarding the removal of volumes. The difficult work of both branches of the paradigm shift must be done to reconcile realities and remove the risk of credibility loss created by housing unjustified collections while being responsible to each institution and the larger law library community.

#### I. LAW LIBRARY COLLECTION SIZE MUST BE EXAMINED

When law libraries were created in the U.S., understanding the size of a collection was a reasonable way to understand how much legal information one might be able to access through that library. Many changes to how legal information is published and accessed have fundamentally and universally changed law libraries, but the practice of counting titles persisted under the theory that collection size truly can measure quality. This practice has created a harmful distortion of law libraries. Law libraries are not one-size-fits-all organizations. They support their schools and communities in many different ways and must curate collections that aid them in their work. The quality of those collections cannot be captured merely by evaluating their size.

##### *A. Completeness Paradigm*

Today masses of legal information resources can be accessed at no cost by anyone with access to the internet or a public law library. But in the early days of the United States, law was a small body, accessible almost entirely to those with financial resources. At that time, access could only be achieved in the physical realm, and even then, it was only open to a specific subset of people. Until 1861, when the Government Printing Office was founded, government documents were

printed contractually by newspaper printers.<sup>5</sup> The U.S. Code was published in piecemeal pamphlets until the late 1800s<sup>6</sup> and sent around to various government officials. Similarly, until the late 1800s, court reports were held in individual courthouses.<sup>7</sup> The legal treatise tradition came over wholesale from England as existing treatises were reprinted in the States,<sup>8</sup> then continued with original works on U.S. law starting in 1795.<sup>9</sup> Public access to treatises, however, was no different from their access to other sources of law. If one could not pay for access, one could not access the law.<sup>10</sup> The first treatise on U.S. law cost \$4.00 in 1795<sup>11</sup>, or about \$95.00 in 2023 when adjusted for inflation.<sup>12</sup>

Because the United States was a new nation, there was also not a lot of actual law to access. Complete physical collections were integral to accessing the law: without a key volume, an area of law would be virtually unreachable. The relative completeness of a law collection was paramount, and the idea of having a relatively complete law library was an attainable and laudable goal. Law libraries counted titles and volumes as key indicators of their success in providing access to the law. This “completeness theory” reasonably judged the success of a library by the completeness of its collection. The idea was not just that a bigger library was a better library, but that providing a *complete collection*, meant that a patron could access the law.

The idea that completeness of a legal collection was a proxy for library quality was given weight by an 1876 report which gave the location, date established, and

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<sup>5</sup> U.S. GOVERNMENT PRINTING OFFICE, KEEPING AMERICA INFORMED: A LEGACY OF SERVICE TO THE NATION xii (2016), <https://www.govinfo.gov/content/pkg/GPO-KEEPINGAMERICAINFORMED-2016/pdf/GPO-KEEPINGAMERICAINFORMED-2016.pdf>.

<sup>6</sup> Ralph H. Dwan & Ernest R. Feidler, *The Federal Statutes—Their History and Use*, 22 MINN. L. REV. 1008, 1009 (1938) (Originally statutes were published individually in newspapers, and copies were sent to Congressmen and state officials.)

<sup>7</sup> See Robert C. Berring, *Legal Information and the Search for Cognitive Authority*, 88 CALIF. L. REV. 1673, 1692 (2000).

<sup>8</sup> E.g., FRANCIS BULLER, AN INTRODUCTION TO THE LAW RELATIVE TO TRIALS AT NISI PRIUS (1st ed. London 1772) (New York 1788); G. GILBERT, TREATISES OF TENURES (London 1730) (Philadelphia 1788).

<sup>9</sup> ZEPHANIAH SWIFT, A SYSTEM OF THE LAWS OF THE STATE OF CONNECTICUT (1795).

<sup>10</sup> Some public law libraries existed at the turn of the century: Allegany County (NY) (1806), and Sullivan County (NY) (1809), as well as general public libraries like Boston Public and Philadelphia Library Company that held law titles. DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION, PUBLIC LIBRARIES OF THE UNITED STATES OF AMERICA THEIR HISTORY, CONDITION, AND MANAGEMENT 169-70, 33, AND 100 (1876). The existence of free libraries, while important, does not address those without the means and opportunity to travel to those libraries.

<sup>11</sup> The William & Mary library archive holds a copy of Swift’s treatise with the price noted. Many thanks to Special Collections Librarian Carolyn Wilson and Director Leslie Street for their assistance in finding this and the librarians at William & Mary for their excellent 1796 notetaking towards assessment.

<sup>12</sup> Alioth Finance, 15 Jan. 2023, <https://www.officialdata.org/>.

volume count for 51 law libraries.<sup>13</sup> The report stated that 21 of the 38 law schools in the United States had established academic law libraries and that these libraries' collections ranged in size between 300 and 15,000 volumes. The report advised that academic law libraries should collect at a minimum "the reports of the State in which they are situated, those of the Supreme Court of the United States, and a selection of the principal treatises upon American and English law."

1876 was also the year that the entrepreneurs who would become legal publishing conglomerate Thomson Reuters began publishing and selling case law directly to lawyers, along with proprietary finding aids.<sup>14</sup> Later, the federal government would publish compiled, subject-based codes.<sup>15</sup> Law reviews would take hold and explode in number in the next decade,<sup>16</sup> and with them, the legal textbook.<sup>17</sup> During the same period, around one thousand treatises were published.<sup>18</sup> These explosions of legal information content in a rapidly growing country (the United States almost doubled its population between 1870 and 1900<sup>19</sup>) necessitated a fundamental shift in law library collections.

By the turn of the 20<sup>th</sup> century, the idea had become that a law library could be complete became practically ridiculous. Regional reporters, finding aids, and secondary sources were sold for profit, the number of legal periodicals boomed, the internet was invented, and the concept that a law library could ever be "complete" became absurd. However, academic law libraries remained in the regular practice of quantifying their collections by counting titles and volumes.<sup>20</sup> Although the concept behind this quantification was once grounded in the theory that collection completeness created access to the law, that once-reasonable idea gave way to the

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<sup>13</sup>See PUBLIC LIBRARIES, *supra* 10, at 168. (Compiled by Stephen Griswold, Librarian of the Law Department of the New York State Library, presented the location, name, date established, and volume counts for 51 public state, public county, court, law association, and academic law libraries in 17 states.)

<sup>14</sup> Robert C. Berring, *Legal Information and the Search for Cognitive Authority*, 88 CALIF. L. REV. 1673,1692 (2000).

<sup>15</sup> Will Tress, *Lost Laws: What We Can't Find in the United States Code*, 40 GOLDEN GATE U.L. REV. 129, 135 (2010). <sup>48</sup> *Id.* at 136.

<sup>16</sup> 1 YALE L.J. (1892); 1 HARVARD HARV. L. REV. (1887); 1 AM. L. REG. (1853).

<sup>17</sup> ARTHUR SUTHERLAND, *THE LAW AT HARVARD* 175 (1967).

<sup>18</sup> LAWRENCE M. FRIEDMAN, *A HISTORY OF AMERICAN LAW* 477 (1973).

<sup>19</sup> U.S. Census Bureau (last revised 2022) *1870 Fast Facts*. Retrieved from [https://www.census.gov/history/www/through\\_the\\_decades/fast\\_facts/1870\\_fast\\_facts.html](https://www.census.gov/history/www/through_the_decades/fast_facts/1870_fast_facts.html); U.S. Census Bureau (last revised 2022) *1900 Fast Facts*. Retrieved from [https://www.census.gov/history/www/through\\_the\\_decades/fast\\_facts/1900\\_fast\\_facts.html](https://www.census.gov/history/www/through_the_decades/fast_facts/1900_fast_facts.html). (Stating 1870 had a population of 38,558,371 persons and 1900 had 76,212,168.)

<sup>20</sup> See Laura N. Gasaway, *Academic Library Statistics, 1876-1992*, 84 LAW LIBR. J. 573 (1992).

orphaned concept that a big law library was, by virtue of its size, a good library.<sup>21</sup>

The ABA adopted a standard for member law schools in 1921 that simply required them to have “an adequate library.”<sup>22</sup> This evolved into a specific requirement to report information about the law library collection. Minimum volume counts were expected, as well as minimum expenditures.<sup>23</sup> There were not many other requirements concerning the library, placing outsized significance on the physical collection. In subsequent decades, the ABA would specify which titles were necessary for a “core collection.” The revision of this standard attempted to contextualize the library’s title count by seeking to quantify the exact materials necessary to demonstrate a successful law library.<sup>24</sup> The same revision required a yearly report to the ABA on volume counts and other law library inputs.<sup>25</sup> This revision signaled that merely owning a lot of books was not enough to meet the standard; instead, the standard shifted to incorporate, for the first time, the idea that collections must have some curation and be made accessible.

### *B. Completeness as a Fallacy*

In 1995, the ABA standards were revised to require more emphasis on the entirety of law library offerings and shifted the collection count report to the end of the questionnaire.<sup>26</sup> These changes reflected that a law library could not be held to a standard “core collection,” but must instead be responsive to its institution and mission. The revisions also gave law libraries the freedom to acquire “through ownership or reliable access” a collection “sufficient in quality, level, scope, quantity, and currency.”<sup>27</sup> At around the same time as those revisions, U.S. News released a ranking of law schools.<sup>28</sup> One of the factors used for this ranking was the size of the law library’s collection, a practice that would reinforce the idea that the size of a library was a relevant indicator of its quality.

In 2014, the ABA made changes to its accreditation standards that finally

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<sup>21</sup> See Cindy Hirsch, *The Rise and Fall of Academic Law Library Collection Standards*, 31 LEGAL REF. SERV. Q. 65 (2012).

<sup>22</sup> ABA’s Section of Legal Education and Admissions to the Bar in September 1921. 44 ANN. REP. A.B.A. 656, 687 (1921).

<sup>23</sup> American Bar Association, *Standards Archive*, [https://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/standardsarchive/1967\\_review.pdf](https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/1967_review.pdf) (last accessed July 21, 2022).

<sup>24</sup> See Hirsch, *supra* 21, at 73.

<sup>25</sup> Tammy A. Hinderman *What is Your Library Worth: Changes in Evaluation Methods for Academic Law Libraries*, 24 LEGAL REF. SERV. Q. 1, 8 (2005).

<sup>26</sup> American Bar Association *Standards For Approval Of Law Schools And Interpretations Standard 605* (1995), [https://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/standardsarchive/1995\\_standards.pdf](https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/1995_standards.pdf) (last accessed on July 21, 2022).

<sup>27</sup> *Id.*

<sup>28</sup> U.S. NEWS & WORLD REPORT, AMERICA’S BEST GRADUATE SCHOOLS (1994).

eliminated the idea that collection size reflected law library quality.<sup>29</sup> The standards were revised to require that the collection “effectively support the law school’s curricular, scholarly, and service programs.”<sup>30</sup> The ABA no longer asked for a regular report of collection size but instead required that the law library support the law school in its program of legal education. Unfortunately, this newfound freedom from the ABA was only symbolic, as the U.S. News requirement to report collection size remained virtually unchanged for twenty years. This forced most law librarians to continue to protect the size of their collections in an effort not to hamper their institution’s ranking. In 2020, law librarians entered into discussions with U.S. News that ultimately resulted in collection size no longer being used to rank as of 2022. The legacy left by one hundred years of external evaluation based on collection count is deeply engrained and requires substantial effort to shift.

### *C. Law Libraries are Not Created Equally Nor on a Scale*

The use of collection size as an approximation for quality created the damaging idea that all law libraries have the same need to hold large collections. The practice of counting physical titles and volumes, and equating those counts with quality, is deeply engrained in academic law librarianship.<sup>31</sup> However, law libraries are not all the same. They are not created equally, nor are they created on a scale. Rather than all law libraries striving to be more like one particular law library model, striving to meet a singular and practically unreachable ideal, each should do its best to meet the individual needs of its users and institution. Each law library was created and is maintained with a unique mission, budget, pool of librarian talent, and administrative and university support levels. Although comparisons between libraries can certainly be made, law libraries cannot be held to and graded on a single standard or scale.

Law libraries have varied missions, and those missions require them to hold different types of collections. Libraries will, of course, have overlapping elements of both their missions and collections, but this overlap should not be mistaken for singularity. Having patron groups or materials in common does not mean libraries should strive to be identical, nor does it mean that libraries can be judged by simply comparing differences in their data. It is essential that libraries be evaluated with an understanding of their individual priorities and their progress towards achieving those goals.

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<sup>29</sup> *ABA Standards and Rules of Procedures for Approval of Law Schools* Standard 606 (2014-15), [https://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2014\\_2015\\_aba\\_standards\\_and\\_rules\\_of\\_procedure\\_for\\_approval\\_of\\_law\\_schools\\_bookmarked.pdf](https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2014_2015_aba_standards_and_rules_of_procedure_for_approval_of_law_schools_bookmarked.pdf) (last accessed on July 21, 2022).

<sup>30</sup> *Id.*

<sup>31</sup> *See, e.g.*, 44 ANN. REP. A.B.A. 656, 687 (1921).



Law libraries are required by the ABA to serve their institutions,<sup>32</sup> and because those institutions have different missions, no two law libraries should look exactly the same. The concept of mission is a layered one. Institutions generally have a public mission or vision, which is often seen on beautifully photographed websites and in print brochures. These broad statements about institutional goals are one piece of the larger issue of missions, needs, and priorities. Behind these flashy public-facing missions, institutions have a set of more private and pragmatic needs. The insiders of a school know what is being doggedly pursued each and every day. These needs are addressed in policies and goals around the school but are not advertised in the same way to the public. The next layer is the individual priorities of each unit and employee at a school. In law libraries, all of these layers should inform the work we do each day.

Although all law schools have faculty, and faculty quality is certainly inherent in the public missions of our schools, the private needs of each school will differ based on the work the faculty do. This includes elements as obvious as topic but goes deeper into what work the school is asking the faculty to do. Not all faculties publish on the same level, or engage in the same types of pedagogy, so the needs and priorities in support of faculty quality will shift and conform to the individual institution. In the same vein, all schools want students to succeed, but the actual needs and priorities of what success means will vary by institution.

Some of those law libraries will have a mission that includes a robust collection, so a large physical title and volume count might be part of an assessment of that library meeting its mission, needs, and priorities. However, others might focus on different needs, so collection size might not be part of their assessment. For those libraries, the type and discoverability of materials might be a more appropriate assessment measure.

## II. PARADIGM SHIFT

There is a story of an administrator plucking a book off the shelf and asking the last time it was circulated. It is no surprise that the book in the story had not circulated in some time, and this felt like proof to the administrator that the library was “wasting” space. Of course, there is a more complicated story than just space waste happening, but it is also certainly true that many law libraries are full of materials that are less than useful.<sup>33</sup>

At best, law librarians should finally be free to let go of materials they don't find useful. At worst our collections are big, dusty, undiscoverable landfills that

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<sup>32</sup> AM. BAR ASS'N, STANDARDS FOR APPROVAL OF LAW SCHOOLS AND INTERPRETATIONS (2022-2023) Standards 601, 605, & 606.

<sup>33</sup> Use is defined in line with traditional library thinking: “reading, consultation, study, research, etc.” Online Dictionary of Library and Information Science, [https://odlis.abc-clio.com/odlis\\_1.html](https://odlis.abc-clio.com/odlis_1.html).

endanger our professional credibility. As physical space becomes more and more expensive, if law librarians do not take on the necessary task of rightsizing, it may well be done for us by space reduction. Similarly, as questions around law librarian status continue to linger, if law librarians do not confront issues around the perceptions of their own credibility, it may be lost.

#### A. *Defining Collections*

Although for some time total collection size has been the focus of measurement, in reality, overall collections are made up of several sub-collections. For instance, law libraries may have a sub-collection for course books or general reserve collection,<sup>34</sup> or a special collection that may have a specific focus or simply gather a group of materials referred to as special for any number of reasons.<sup>35</sup> These collections serve different purposes and are very individual to the law library in question. There is not a universal definition for what it means to have a reserve collection or a special collection. Some schools have a reserve collection that encompasses almost all of their high-use titles<sup>36</sup> while others use a reserve collection to control one specific type of material.<sup>37</sup> A library with a topical collection strength, like maritime law, might be expected to have in print certain preeminent works like Benedict on Admiralty, but will still likely differ in holdings from other maritime collections. For any of these collections, size is not the sole measure of quality. There might, perhaps, be a size limitation based on shelf space or other physical limitations, but there is no perfect collection size across schools. Nor is a bigger sub-collection necessarily a better sub-collection. Some will choose to collect in greater depth than others, but that choice is one that should be considered, not assumed.

The quality of the materials chosen to meet the law library's mission and the discoverability of and access to those materials determine how successful any sub-collection might be in achieving its goal. Quality does, of course, relate to how well-written the material is. But it must also go deeper and ask how well the content meets the needs of the collection.

Collection development policies are a required part of the ABA reaccreditation

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<sup>34</sup> Compare Library Collections: Reserve, <https://www.law.nyu.edu/library/generalinformation/thecollection#Reserve>, with Library: Course Reserves, <https://library.georgetown.edu/course-reserves>.

<sup>35</sup> Compare Rare Books & Special Collections, <https://law.wm.edu/library/collections/rare-books/index.php>, with Archives & Specials Collections, <https://www.law.upenn.edu/library/archives/>.

<sup>36</sup> See, e.g., Library Collections: Reference and Reserve Collections, <https://library.law.tulane.edu/screens/specialcollections.html>.

<sup>37</sup> See, e.g., Print Course Reserve Books: Spring 2023, <https://lawlibguides.usc.edu/library/reserves-print>.

process.<sup>38</sup> Law librarians have correctly invested time in writing relevant collection development policies that mirror the missions of their institutions.<sup>39</sup> Law library budgets have not had room for excessive purchases for decades, and the need for deselection should not be confused with a decrease in budgets. Selection is already the subject of careful rightsizing in law libraries.

However, collection development policies have functioned as buying policies for most law libraries, rather than also guiding retention of existing collections.<sup>40</sup> This is a reasonable practice under the bigger is better paradigm, where even as new resources came in, regular deaccession could not be prioritized because of the constant need to tally big collection counts to equate library value. Thus, collection policies do not generally function as total collection policies, but rather as acquisitions policies. The life cycle beyond purchase is often restricted to a must-keep model where fear of loss outweighs other factors, so the plan itself is truncated.

### *B. Selection and Deselection*

Selection is not the only important process of curating a collection. Intentional deselection is just as important. Deselection helps a collection be more discoverable and accessible. Discoverability refers to the user's ability to match a specific material to their need; in other words, can they determine what material they need for their use? Access furthers that idea by asking how easily a user can retrieve an item once they identify it. Without both discoverability and access, an item has no value to a collection. Items that are not findable and usable may as well not exist. As discoverability and access are a necessary part of the quality equation of a collection, then our collections should focus equally on what we decide to put on the shelf and what we decide to pull off.

Shelf serendipity, the idea that a user can happen upon material that is useful while simply browsing the stacks, is a long-held and beloved belief often invoked in academia. In reality, what appears to be serendipity is the visible manifestation of deeply intentional, intellectual curation by legal information experts, namely librarians. Behind every seemingly effortless research experience is the work of a team of experts that has spent time designing the collection and physical space to make that experience possible. Although often invisible to researchers, it is difficult intellectual work. This work is part of the equation of discoverability and accessibility, and law librarians must be the ones trusted to engage in this work. If law librarians are not allowed to regularly deselect materials, relevant materials will

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<sup>38</sup> Theodora Belniak, *The History of the American Bar Association Accreditation Standards for Academic Law Libraries*, 106 *LAW LIBR. J.* 151, 166 (2014).

<sup>39</sup> See Christine Emery, *Additions in Acquisitions: Collection Development in Law Libraries*, 45 *CAN. L. LIBR. REV.* 10, 11-12 (2020).

<sup>40</sup> *Id.* at 14.

actually be hidden by shelf after shelf of selected securities statutes and bound newsletters from the 1970s. Law librarians have long been too quiet about our own work, and instead of being quiet creators of magic, we must become vocal about our role as thought partners in our communities.

### *C. Books as Sacred*

Librarians face the strange challenge of stakeholders who believe books are sacred objects. Librarians are often faced with the challenging belief that the very act of removing books by recycling or discarding them does some oblique harm to society or is removing some wealth of knowledge.<sup>41</sup> Books and their content are not one and the same. Physical books are paper and ink. They do not always have value outside their content, and that content might not best be preserved through the paper copy of a certain library. Consider a collection about slavery. Some materials can be correctly determined to be harmful to the unintentional user. Those materials can be scanned into a repository that is carefully described for access by those who need them. When then those books are recycled, objections are often actually raised rather than understanding the careful decisions and processes that led to deselection.

But sometimes books do have value outside their contents. A material having value outside its content means it has value as an object. Although law librarians may decide to have some components of materials that are almost treated as a museum,<sup>42</sup> the majority of our materials will not rise to the level of a museum piece. Some libraries will also need books as decorative objects. That use should not be dismissed as books can invoke feelings of seriousness and success that are important for library environments. But the choice to use books as decoration inside the library should be the choice of the librarian. Books that are held on open shelves without any protection from harm are not being archived, they are simply being held. These concepts cannot be conflated.

There likely will need to be an effort by the law library to educate the law school administration and faculty—and perhaps students and community—when any large-scale deselection process is planned. The heart of librarianship is not the same as an archivist or curator, who regularly works to keep materials as significant objects, but rather matching a user to a desired material whose contents are useful in some way.<sup>43</sup> In this way, what a law librarian might select for purchase is no more important than what a law librarian will select for removal. Of much more importance to our profession than threats of space reduction, law librarians have the opportunity to reclaim meaningful access to materials.

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<sup>41</sup> MARY E. MILLER & SUZANNE M. WARD, *RIGHTSIZING THE ACADEMIC LIBRARY COLLECTION* 14 (2021).

<sup>42</sup> *See, e.g.*, Exhibit Addenda, <https://exhibits.law.harvard.edu/>.

<sup>43</sup> REBECCA VNUK, *THE WEEDING HANDBOOK: A SHELF-BY-SHELF GUIDE* 2 (2022).

The status of law librarians is said to be in decline or at risk.<sup>44</sup> Credibility in the academy is not something that can be achieved without the difficult work of telling the truth and communicating our stories meaningfully to our institutions and colleagues in the academy. How can law librarians ask for more status as they seemingly guard large, unused collections? As law library collections are rightsized, questions around credibility will dissolve as carefully curated collections take the place of large, un-assessed collections. The profession must abandon the idea that bigger is always better. Instead of protecting size, in the number of square feet or titles and volumes, law librarians must root themselves in the actual beneficial work they do each day.

#### *D. Rightsizing, an Alternative to Completeness*

The concept of weeding collections is certainly not novel. Although still not popular in some academic law libraries, weeding is the process of *systematically* removing materials from a collection. The concept of weeding does not fully encompass the process many academic law libraries find themselves in need of now. Because law libraries have not invested deeply in weeding overtime due to the need to count titles and volumes, there are many—often hundreds of years of deferred deselection of materials that must be performed.

The process is a fundamental change to collections because of the pervasive culture of mass retention. There must be a paradigm shift in the attitudes toward collections. Law library collections should no longer be judged as successful because of their size, but instead because their collections are useful in contributing to the goals of the law library and law school.

This process can be called rightsizing. Rightsizing requires many considerations personal to each law library. It also calls for strategic thinking, and an understanding of planning and assessment. In considering how to rightsize an academic law library collection based on mission, it can be helpful to consider various elements of their institution while prioritizing their needs and planning their goals and assessments. Here law libraries can consider their schools' missions, curriculum, specialties, faculty, and students.

Every law school has its own mission, which is in every way unique to that school and its own particular needs, aspirations, and priorities. While one school might be laser-focused on bar passage, another might instead be invested in increasing faculty scholarship output in a particular format and placement pattern. It should be expected that law schools have more than one articulated need. Law

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<sup>44</sup> See DEI and De-Credentialization: Why Dropping Degree Requirements Won't Make Academic Law Librarianship More Diverse But Will Make It More Inequitable, <https://ripslawlibrarian.wordpress.com/2022/12/12/dei-and-de-credentialization-why-dropping-degree-requirements-wont-make-academic-law-librarianship-more-diverse-but-will-make-it-more-inequitable/> (Dec. 12, 2022).

librarians should then extrapolate what these needs mean to law library efforts including collections. The first library would seek out collections that prepare students to take the bar, obviously, bar preparation resources, but also might include various types of resources in test-taking skills or bar-tested subjects. The other library would have a highly responsive collection based on the faculty's scholarship needs that would vary from paper to paper, project to project.

In their collections policies, many law libraries are already working to fulfill these missions. In rightsizing, a thought exercise might determine almost all bar preparation materials that have remained on the shelves for more than a couple of years can be recycled. While some test-taking and bar-subject materials might be retained, they most certainly could take a heavy-handed deselection process. In the same way, while pre-eminent treatises and a solid law journal collection might remain in the collection, monographs or particular issues of serials purchased for specific research projects should be considered for deselection. This second, faculty research-focused library, should engage in acquisitions notes that are revisited as papers publish and faculty change so the collection remains relevant.

In addition to a school's mission, the law library should consider the school's curriculum. While there is some overlap expected, a school's curriculum should inform its collection. For instance, some would say a law library collection should hold all preeminent treatises. However, if a school does not include trademark in its curriculum, it would be difficult to justify purchasing expensive trademark treatises in print, even if they are of the highest quality. By the same token, existing materials about trademark should likely be deselected with a heavy hand. If, however, a school has a very popular intellectual property class with a paper requirement, older materials will likely find more use allowing librarians a more liberal approach to deselection.

Another consideration is any specialties within the school, but outside the curriculum, such as an institute or even a very popular student team or association. A law librarian that does not work at a school where international arbitration is a focus may still find themselves deciding older editions of arbitration materials are relevant because they have a consistently award-winning arbitration team that needs to use the materials every year. Much like faculty materials, these types of considerations need assessment based on internal factors to make sure that when the needs of the collection shift, the collection is responsive to change.

Even if faculty research is not part of a school's mission, the faculty's research needs must still be considered in this deselection process. It is common for faculty to have an allotment to purchase new materials for themselves, and some law library budgets will make this allotment more necessary than others. But for deselection, there are other considerations.

Some believe that the internet holds everything, so all physical materials lack utility. Others believe digital formats could become unreliable and the scholarly

record should be preserved in print somewhere. Neither of these ideas are particularly true or useful to libraries. The concept of considering digital and physical format is not novel or a changemaker in libraries at this time. The internet was invented in the 1980s and librarians have decades of negotiating what digital formats mean to their collections. Although it is absolutely true that some materials will be deselected because they are held in a more compact format, this was already true due to microforms and should not be considered as the sole reason behind collection size evaluation. Format consideration will still take place for materials, but those considerations should be evidence-based and focused on the needs of the users in question. Keep in mind that evaluation may find multiple formats are appropriate for a title. Format is a consideration in this process, but it is not the primary driver.

As law librarians work to meaningfully plan and assess their retention practices, there are many considerations that will need to be part of their work. How collections function, what goals they aid, and if they play a part in goals outside the institution are all important. None of these considerations should be thought of as a reason on its own to make a decision, but rather a tool to aid in the measurement of whether a material is useful to the collection.

The process of understanding an institution's missions and needs is one that must be done by an insider. In this case, each institution's law librarians. Those librarians then carry the burden of consistently engaging in their communities so they can gather information and buy in from other groups. There must be trust between groups that are built on multiple instances of meaningful and useful communication.

### III. RIGHTSIZING

#### A. *Institutional Considerations*

Often faculty are familiar enough with the law library to reshelve materials without their use being counted. This is a practice that should be discouraged as it makes assessment difficult. There is also an issue between faculty's perceptions of their library use and their actual use. There is also a harsh contrast between faculty who think virtually no books are necessary and those who think a law school cannot be successful without a vast collection. Like many things, the mere possession of books is not, within itself, harmful or helpful. As with librarian expertise, faculty expertise in a subject should not be disregarded, but considered even in time periods when their use does not match their enthusiasm. In the end, it is the understanding that the law librarians' judgment is key to finding each institution's rightsized collection that is most important.

Much like faculty needs, student needs outside the stated mission should be considered. Also, like faculty needs, student needs must be observed but also questioned directly, not only by asking students but by being part of the community

and assessing their needs. Perhaps the most important part of deselection work for students is working to reveal the materials they should access by removing materials that may clutter and distract them. Each law library must decide for itself what this means and understand that like any assessment-based work, this will change from year to year as students and student needs change.

Law librarians must exert expertise at the same time they recognize their limitations. For example, students may request the purchase of commercial brief books, even if it is known by librarians that using commercial briefs instead of learning to write will harm students. Law librarians might use their expertise to collect study aids that will be effective, without harming skills. They might also use their skills to host a display or guide explaining how to use study materials to the best advantage that explains why commercial briefs are not part of the collection.

There is often a feeling that we should not discard things that have previously been useful, because they may return to usefulness at a later date. A law library might go through a meaningful process of deciding to deselect a material, like an older edition of a treatise outside the school's curriculum. The likelihood they will need it is small, but not zero. This type of need—sometimes called the “just in case” need—is one reason given for holding onto massive collections. There is a chance, even if it is small, that the material will be requested in the future. But the other side of that potentiality is that many materials will not return to usefulness at a later date. Each library must decide for itself what should be kept and why, but the fear that material will be needed again should be balanced carefully.

Preservation should be considered by each library, but decisions about preservation should not be based on fear of loss. The practice of keeping a book in case it will be needed later has become less relevant over time, allowing law libraries to validly choose not to keep books “just in case” they are needed later. Books being out of print or too rare to obtain through digital or physical interlibrary loans is not common, and there will rightly be law libraries that continue to intentionally hold very extensive collections or sub-collections.<sup>45</sup> Libraries should focus their collections on their actual needs, and only consider their perceived future needs as relevant.

The habit of trying to collect as many titles as possible has created some buying policies that should be re-evaluated. For instance, a collection development policy might say that materials should not be duplicated across formats, meaning if a title is held electronically, it should not be held in print. This decision is based in having as many titles as possible rather than carefully considering each title and the best format for that title. Although format is certainly part of decision making, the

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<sup>45</sup> See Motoko Rich, *Publisher and Authors Parse a Term: Out of Print*, N.Y. TIMES (May 18, 2007) <https://www.nytimes.com/2007/05/18/books/18books.html>.



paramount consideration should be alignment with mission, needs, and priorities.

Law librarians should also constantly consider how they can decolonize and diversify their materials. Intentional collection of minority authors and materials on topics related to diversity and inclusion should play a part in every deselection. A decision between two very similar materials should weigh, as part of an analysis, a minority author or editor, as so many long-standing pre-eminent works were created, because of systemic racial and gender discrimination, by white, male authors.<sup>46</sup> Our collections should match our communities to the extent possible, and as the legal profession becomes more diverse, so should our collections.

### *B. Collection Functions*

The nature of large collections means law librarians have not always had to think about the different functions of library collections deeply. Certainly, some libraries have archives, some have museum pieces, and many hold books as objects or decorations, but the practice of holding large collections to improve title and volume count means we must now examine the place and use of our materials more carefully. Previously law librarians had so many volumes to store that if they used a material as mere decoration, there was not necessarily a goal behind that use, but rather a thankfulness that they had the space to hold the needed volumes. As law librarians work to remove idle collections, they should consider whether they will only hold a library collection or have a need for materials for other purposes.

Before considering other types of collections, the first consideration, and generally most important function is library collections. These are the materials used for research, instruction, and reference. What is collected and kept in this collection has many influences. The most important factor when rightsizing the library portion of a collection is the *content* of the material. But there are other types of collections, with other factors, that also may play a part in our rightsizing.

A library might find itself with certain artifacts meaningful to the community, like a book that was owned by a special alumnus. The most important consideration with these books is not necessarily the content, but the special designation given to it by some external factor. One stunning example is the Library of Congress's collection of the library of Thomas Jefferson. The collection is totally encased in a clear case, protecting the books while allowing patrons to view the collection as a whole. Although the titles can be browsed casually, the content of the books is not accessible, nor does it need to be. What matters is who owned the collection, and perhaps to some extent the type of books that were owned, making this a wonderful museum exhibit. Some law libraries have museums as part of their structure. If an institution desires a museum exhibit, for any number of valid reasons, they must

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<sup>46</sup> See Richard Jean So & Gus Wezerek, *Just How White Is the Book Industry??*, N.Y. TIMES (Dec. 11, 2020) <https://www.nytimes.com/interactive/2020/12/11/opinion/culture/diversity-publishing-industry.html>.

fund it through space and talent. Law libraries that do not have funding, space, and staff for museum materials should, as appropriate, donate museum artifacts to a library or museum that has the mission and means to maintain them. Law libraries should not be asked to be ad hoc museums if they lack the mission, facilities, and skills necessary to preserve materials properly.

Archives are made up of materials kept primarily for preservation.<sup>47</sup> The need for preservation might be rooted in many causes, but the materials should be safely stored for long-term preservation. Not every law library will have an archive, and it is important for stakeholders to understand that libraries and archives are not the same things.<sup>48</sup> Archives must be funded and staffed with priorities of their own. Although there will be libraries with missions that overlap and invite archival work, there will also be libraries that do not align with having an archive. Libraries should not be forced to hold materials intended for archives without the proper consideration and support. Doing so can lead to disaster as the intention for the material cannot be met by the space and talent held by the library.<sup>49</sup>

There are also times a library will need materials for decoration. Here it is not necessarily of chief concern what the content is, but rather that the materials invoke the necessary aesthetic. Using materials as decoration may seem trivial, but using materials to aid the environment can be effective. It is hard to deny that sitting in a room of beautiful old volumes feels important. Studies show that students who find themselves in beautiful study environments do benefit from the aesthetic.<sup>50</sup> A library may decide to keep materials it might otherwise deselect simply because they are beautiful, and a certain space has room and the need for elevated décor.

As law librarians work through planning and assessment on any goal, they can consider the types of collections and how the material impacts their decisions. Some of these considerations might mean retaining a material that would otherwise be

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<sup>47</sup> “An organized collection of the noncurrent records of the activities of a business, government, organization, institution, or other corporate body, or the personal papers of one or more individuals, families, or groups, retained permanently (or for a designated or indeterminate period of time) by their originator or a successor for their permanent historical, informational, evidential, legal, administrative, or monetary value, usually in a repository managed and maintained by a trained archivist.” Archives, Online Dictionary of Library and Information Science, [https://odlis.abc-clio.com/odlis\\_a.html#archives](https://odlis.abc-clio.com/odlis_a.html#archives).

<sup>48</sup> See What are Archives and How are they Different from Libraries? <https://www2.archivists.org/usingarchives/whatarearchives>.

<sup>49</sup> See JOHN MIXON, *AUTOBIOGRAPHY OF A LAW SCHOOL* 420 (2012). (The University of Houston Law Library holds the papers of Judge John R. Brown but they were damaged in a tropical storm after being held in the basement of the law library.)

<sup>50</sup> See Gidaa Alamry, *The Roles of Interior Design in Enhancing Happiness and Comfort at Educational Institutions in Saudi Arabia: A Case Study of Girls’ College of Science and Arts in Mahayel Aseer, at King Khalid University*, 5 J 455 (2022); Amira AboluelelaAboueieela, *The Effectiveness of the Role of Interior Design in Creating Functional and Institutional Happiness for Work Environments: King Faisal University as a Model*, 6 DESIGNS 45 (2022).

deselected, but others could shift the scale to donating a material.<sup>51</sup> The Legal Information Preservation Alliance is an important source of information on how to preserve legal materials.<sup>52</sup>

### *C. Community Connections*

It is very important that law libraries work from their institutional missions and needs, but there is another group of factors that must also be considered. This second group of factors relates to the understanding that law libraries are a community, and work with one another in an effort to provide access to as many resources to as many users as possible. Especially in a time of rapid sharing and collaboration, the interplay of libraries necessitates that they also consider their role in the large body of academic law libraries.

One consideration often heard among law librarians is the concept of the scholarly record. The scholarly record is an idea that as academia goes about the business of teaching and learning, someone should be gathering the records of that work. Practically for law librarians, this means that the work of our academic communities should be gatherable on some level. That level is not universally defined, and there is naturally some variable need for these materials. It is certainly true that law libraries may have space in their collections to keep some materials because they are part of the scholarly record and that a particular library might have the means to commit to keeping them for that purpose. This type of work is best done in a more formal agreement, where law libraries agree and extend themselves to maintain a set of resources. When done less formally, a library may seek to rely on a material being commonly held, but there is no guarantee that those libraries will maintain those materials in the way the relying library would hope.

Another important consideration is a library's geographic location and its potential need to collect and keep regional materials. Again, this is quite specific to the library in question. Some libraries will not need to pay much attention to their geography, if they find themselves one of many in their area, and perhaps not in the strongest position among their co-geographical libraries to maintain regional collections. But others may be the only ones in their area or be in a financial and/or space situation to be the collector.

A library can also balance the options of interlibrary loan, consortia, or more casual library cooperation when deciding what to deselect. The work taken to rely on other collections for rarely needed materials involves the difficult process of predicting if the material will be available in the future. To be able to borrow something for a "just in case" need, some library (and preferably several libraries) will be able to loan it. While it is perhaps unlikely that every library will deselect

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<sup>51</sup> See *How Do I Make A Physical Donation to the Internet Archive?*  
<https://help.archive.org/help/how-do-i-make-a-physical-donation-to-the-internet-archive/>.

<sup>52</sup> LIPA: Saving Legal Information, <https://www.lipalliance.org/about>.

the same materials, the type of uncoordinated effort isolated rightsizing might ask would make it difficult to know when materials invertedly became rare. The possibility of a common resource becoming uncommon by mass deselection is worth consideration.

One useful tool in these decisions are library consortia. Library consortia allow libraries to make formal agreements about what will be kept by each library, so they are allowed to make collections decisions with less need to gaze into their crystal balls about other libraries' future holdings. When consortia are not appropriate, libraries may still decide to cooperate with one another.<sup>53</sup> If law libraries are to rightsize their collections, these types of consortia and cooperative agreements become paramount to effectively managing small collections. Although there are certainly some schools, like the University of Iowa, that will continue to hold massive amounts of print as part of their mission, effective interlibrary loans, and digital sharing require more than just a few libraries willing to hold a material. Law librarians should reach out to one another based on their various needs and work together as they need to make more stable decisions about relying on other libraries' collections. They should also continue to invest in resources like the Internet Archive, and other archives, who more consistently have long-term retention materials as their goal. Some law libraries that had not considered themselves as holders of an archive might come to understand through planning and assessment that archiving is part of their mission. That decision is perfectly valid but is one that should come through planning and assessment towards the law library mission, not fear of loss.

#### *D. Assessment and Planning*

Because of this fear-based retention practice, our collection development policies often lack process and proof. A well-formed plan should have the actual plan, as well as a process for carrying out the plan, and then in the entity (here the law library), there should be proof that the plan is in place and working.<sup>54</sup> After law librarians carefully plan their collections to meet their institutional needs and priorities, they then need to provide a process for the plan to take shape. Part of this process should include planning beyond purchase because every law library material should have a life cycle or retention schedule. Some of these life cycles will continue into the archive, but many, if not most, should end in being donated

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<sup>53</sup> See Beatriz Haspo, *A Cool Collective Success! Preserving Collections Offsite*, LIBRARY OF CONGRESS BLOGS (Jun. 17, 2021) <https://help.archive.org/help/how-do-i-make-blogs.loc.gov/preservation/2021/06/a-physical-donation-to-the-internet-archive/.cool-collective-success-preserving-collections-offsite/>.

<sup>54</sup> See RACHEL A. FLEMING-MAY & REGINA MAYS, *FUNDAMENTALS OF PLANNING AND ASSESSMENT FOR LIBRARIES* (2021).

or recycled.<sup>55</sup> It is perfectly reasonable for there to be a default plan where a group of materials are retained until a determined time and then re-considered. Often this type of process may have a default for different types and/or locations of materials.

This does in part mean some materials purchased are intended to be recycled even at the time of purchase. Though some consider this wasteful, every material has a useful life cycle.<sup>56</sup> For some, that life cycle may be many centuries. But for many, it may be only months. Consider, for example, newsletters. The purpose of a newsletter is to inform the reader of new items. But often, one can find newsletters stuffed into large binders taking up many linear square feet of shelving. Sometimes this may be intentional, but each law library must decide if there is a reason to physically retain.

Next, the proof of a plan should be noted in the plan and obvious in the actual collection. Law librarians should understand and describe how they will assess and know their collection plan is working. In discovering the collection in print or online, the librarian should ask: does the result of the discovery prove the plan? Or do the results show that the law library simply holds a lot of materials, some of which are likely not useful?

To effectively manage access and discoverability of materials that meet our missions, law librarians must embrace robust mission-centered planning and assessment in their collections. Specifically, this approach should inform rightsizing collections based on mission. It is impossible to perform meaningful assessments without good, meaningful planning.

Planning and assessment are not a one-size fits all solution. The processes will likely look different for each institution and even then, will vary year to year as their populations, staffing, mission, and other factors evolve. There is no magic book or tool that will plan and assess a law library collection. Planning and assessment are processes that require engagement at all levels of the group. Each engaged group must use a variety of tools to identify the extent to which their library meets its mission, and also how to further strengthen their work.

Planning and assessment are the processes of setting goals that help meet a mission, and at the same time gathering information to understand how and the extent to which goals are met.<sup>57</sup> Law librarians first decide what is to be accomplished. Then, as they design resource collections, programs, instruction, or other offerings, they also decide what data to gather. The data can then be analyzed and interpreted to draw conclusions about the progress toward the goals. During this process, the project will adjust as information lends an understanding of what

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<sup>55</sup> Most often serials have been given a life cycle, or retention schedule. These do not always make their way into the collection policy, but instead are documented through the careful planning of team members.

<sup>56</sup> See MILLER, *supra* 41, at 9-10.

<sup>57</sup> See Watson, *supra* 3, at 21-22.

is working and what might work more efficiently. As goals are set, projects are designed, measured, and adjusted, and a cycle of continuous improvement is created.

It is important to remember that assessment requires a library to be in this continuous state of improvement, meaning they must understand that shortcomings will happen, and should not be thought of as good or bad, but simply as part of an ever-evolving process. Planning and assessment must always be approached with an understanding that information will, necessarily, show flaws as well as successes. Without understanding flaws, a library cannot improve. Shortcomings must be embraced as the community engages in a cycle of continuous improvement. In this cycle, the community understands their strengths, but also how to make themselves stronger.

Work in rightsizing will almost certainly result in some mistakes. A fear of making mistakes might keep a library from attempting rightsizing. But what must be clear is that not engaging in planning and assessment around collections retention is also a failure and should not be ignored. Moreover, mistakes should be reframed as opportunities to learn, innovate, and adapt. It is important to remember that institutions evolve, so success in one year might not yield success in the next, or success at one institution may not translate to another. It is only through meaningful, regular planning and assessment that librarians can understand what things are working or not working for their organization, and importantly why things are working or not working, so they can continue in the cycle of continuous improvement.

#### CONCLUSION

Academic law libraries have long been held hostage by the idea that very large collections are required for a law library to be successful. Though some law libraries will choose to support goals that continue to require very large collections, many others can now start the necessary paradigm shift towards rightsizing their collections to support their own goals. This shift and rightsizing will likely be a long and tedious process but will result in a more authentic reality of what law library collections are and can be. It will also correct a long-told lie about the necessity of space and volumes for law libraries, and in this action, positively impact the authenticity of the profession.

At the University of Houston, the law library physical collection was reduced to about one-third of its previous size. This rightsizing work was done by careful use of planning and assessment to select the materials that would move to the new O'Quinn Law Building. The remainder were considered for any other value outside content and then donated or recycled. What remains is the collection that

best serves our institution.<sup>58</sup>

I am compelled to note, for any administrators who might read this, that this shift is not budget related. Any hope that rightsizing will cost less money is misplaced. Law libraries are often already carefully planning new acquisitions and spending their budgets wisely. Unfortunately, there are money and labor costs associated with rightsizing that will, temporarily, increase operations budgets. The physical work to remove volumes is laborious, dirty work accompanied by digital cleanup that increases the work even further. This article also does not take on the issue of space rightsizing, which is a separate issue. Often law libraries will need every inch of space they might release from holding materials for other uses. But this correction to the way we conceptualize our entire collections must still happen.

Imagine a “by the numbers” law library report. This type of report seeks to communicate library success by counting certain types of library features or interactions. In this report, a daily study aid use count of 20 unique students on class days is reported. Behind this report is a reality that the students are moving the study aids primarily to use the standing height surface where they are placed as a work surface. Some are being used for study, but many are not. At first read, the report reads as a simple positive for the library and school. But an assessment would show that the number may or may not mean much positively towards the library’s goals and might even be evidence of a necessary adjustment in pursuit of a goal.

If the library had a goal of supporting student class success by having students use the study aids to improve class performance, having students move the aids to access the work surface would not positively impact the goal. It could even be evidence of interference with the goal. If, instead, the library goal was to increase student success by having students physically study in the library wherever they are comfortable, having students move the aids around to find study space could be evidence of the success of the goal.

This story highlights the difference in the concepts of “what” and “so what” in assessment. The simple presentation of the use number with no tie to a goal is an example of “what.” The number alone has no deeper meaning. But when assessing library goals, the number can help tell a story of “so what” communicating not just that something is happening, but that something is happening that is intentionally contributing to meeting a goal. When we look at law library collections, law librarians must not focus on larger sizes being better, without the context of that size, but instead use their collections to help meet their goals. Although it may at first glance seem good to say a collection has one million volumes, that is only the “what.” Instead, through planning and assessment, seek the “so what” of the collections both through selection and retention.

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<sup>58</sup> For libraries that cannot reconfigure their physical spaces, they might still rightsize and use a subcollection for the deselected or historical materials until they can donate and recycle them.

A vital thing to remember is that the focus of law librarians' work cannot simply be how good the library is, but what good the library can enable others to do. What have those one million fictional volumes done to forward the mission? Have they impacted faculty scholarship, increased student success, or engaged alumni donors? What good has the law library done by holding this collection?